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DEPUY SPINE, INC.

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9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

11
12 SEAN HESSE and JENNIFER HESSE,

13 Plaintiffs,

14 vs.

15 DEPUY SPINE, INC., and DOES 1
through 10, inclusive,

16 Defendant.

CASE NO. CV 10-03521-LHK

**~~PROPOSED~~ ORDER DISMISSING
ENTIRE ACTION**

*[Filed concurrently with Joint
Stipulation]*

[Assigned to Hon. Lucy H. Koh]

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20 **ORDER**

21 The Court, having considered the Joint Stipulation of Plaintiffs SEAN HESSE
22 and JENNIFER HESSE ("Plaintiffs") and Defendant DEPUY SPINE, INC. finds:

- 23 1. WHEREAS Plaintiffs seek to voluntarily dismiss this action;
- 24 2. WHEREAS Plaintiffs and DEPUY SPINE, INC. have stipulated to
- 25 DEPUY SPINE, INC.'s waiver of all fees and costs that it would be entitled to seek
- 26 from the Court in exchange for Plaintiffs' dismissal of this action;
- 27 3. WHEREAS Plaintiffs and DEPUY SPINE, INC. have further stipulated
- 28 to DEPUY SPINE, INC.'s waiver of any claim for malicious prosecution against

1 Plaintiffs in exchange for Plaintiffs' dismissal of this action;

2 IT IS HEREBY ORDERED that the action *SEAN HESSE and JENNIFER*
3 *HESSE, Plaintiffs, vs. DEPUY SPINE, INC., and DOES 1 through 10, inclusive,*
4 *Defendant,* United States District Court - Northern District of California Case No.
5 CV 10-03521-LHK, is dismissed in its entirety and with prejudice pursuant to
6 Federal Rule of Civil Procedure 41(a)(1).

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8 **IT IS SO ORDERED.**

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11 DATED: September 20, 2010

12 By:

Lucy H. Koh

13 HON. LUCY H. KOH

14 United States District Court Judge
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